



Town Council Agenda Report

SUBJECT: Ordinance

CONTACT PERSON/NUMBER

Name: Jason Eppy, Planner II
Phone: (954) 797-1108

TITLE OF AGENDA ITEM:

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM CF, COMMUNITY FACILITIES DISTRICT TO CF, COMMUNITY FACILITIES DISTRICT, AMENDING THE DECLARATION OF RESTRICTIONS; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ZB 10-2-99 - "Calvary Chapel" Associated Engineers of Florida, Inc., petitioner/Family Christian Fellowship, Inc., owner - 1775 Flamingo Road/Generally located on the west side of Flamingo Road, approximately 1/4 mile south of SW 14 Street.

REPORT IN BRIEF:

The petitioner has indicated that an additional 14,003 square feet, consisting of 8 classrooms, hallway area and restrooms, is necessary for the operation of both the church and school, and is requesting to amend the existing deed restriction for an increase of 14,003 square feet. As referenced above, use of the property is limited to church with secondary and subordinate school use also being allowed. About 8,000 square feet of the proposed 14,003 square feet constitutes usable classroom area. However, staff finds that this increase in usable square footage for school use, combined with the remaining school related area, exceeds 50% of the building area and no longer functions secondary to the principal church use. This requires the petitioner to amend this restriction. It is important to note, the existing restrictions also limit the number of students to no more than 225 at any given time. The petitioner is not requesting to amend this restriction.

As outlined within the original staff report (ZB 10-1-98), the proposed use was determined by staff to be consistent with the Town's Comprehensive Plan. It was also identified that the proposed church/school use increased traffic by 15 times the impact of the potential residential development of the site at one unit per acre, although, the current level of service on Flamingo Road is adequate to accommodate the development. Staff recommended approval at that time.

The proposed 14,003 square feet requires a total of 16 additional parking spaces which the petitioner can provide while meeting open space and landscape requirements. The impact of these classrooms to the roadway network is negligible. Therefore, staff believes the request to amend number 1 and number 2 of the existing deed restrictions is consistent with the general intent and purpose of the code, noting the petitioner must obtain approval from Broward County to amend the note on the face of the existing plat to reflect the amended deed restriction.

PREVIOUS ACTIONS:

- 12/15/99 Town Council approved rezoning from CF to CF, amending deed restriction (ZB 10-2-99), motion carried (5-0).
- 12/1/98: Town Council approved rezoning from AG to CF, (ZB 10-1-98), motion carried (4-1), Ms. Paul dissenting).
- 11/4/98: The Town Council approved a variance to reduce the distance between churches (V 9-1-98), motion carried (5-0).
- 7/21/99: The Town Council approved the plat (P 2-1-99), motion carried (5-0).

CONCURRENCES:

The Planning and Zoning Board voted to deny 3-1, at its December 8, 1999 meeting (motion by Mr. Davenport, second by Mr. Greb, Mr. Pisula dissenting, Mr. Kuvlin absent).

Staff believes the request to amend number one and number two of the existing deed restrictions is consistent with the general intent and purpose of the code, subject to the petitioner obtaining a corresponding delegation request approval to amend the note on the face of the existing plat.

FISCAL IMPACT: None.

RECOMMENDATION(S): Motion to approve the ordinance.

Attachment(s): Ordinance with amended deed restrictions, land use map, subject site map, and aerial.

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM CF, COMMUNITY FACILITIES DISTRICT TO CF, COMMUNITY FACILITIES DISTRICT, AMENDING THE DECLARATION OF RESTRICTIONS; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, that the classification of certain lands within the Town be changed from CF, Community Facilities District to CF, Community Facilities District, amending the declaration of restrictions.

WHEREAS, said notice was given and publication made as required by law, and a public hearing thereunder was held on the date of adoption of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That the property herein after described be and the same is hereby rezoned and changed from CF, Community Facilities District to CF, Community Facilities District, amending the declaration of restrictions:

a. The subject property is described in Exhibit "A", which is attached hereto and made a part hereof.

SECTION 2. That the owner has voluntarily executed an amended deed restriction on the property described in Section 1:

a. The amended declaration of restrictions is attached as Exhibit "B", hereto, and made a part hereof.

SECTION 3. That the zoning map heretofore adopted by the Town Council be and the same is hereby amended to show the property described in Section 1, herein, as CF, Community Facilities District.

SECTION 4. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 6. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2000

PASSED ON SECOND READING THIS _____ DAY OF _____, 2000

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

EXHIBIT "A"

LEGAL DESCRIPTION:

All of Tracts 133 and 140 of "Flamingo Groves" According to the Plat Thereof as Recorded in Plat Book No. 15 at Page No. 5 of the Public Records of Broward County, Florida.

EXHIBIT "B"

Prepared by:
Calvary Chapel Sawgrass
450 S.W. 130th Ave.
Davie, FL 33325

Return To:
Town of Davie
Town Clerk's Office
6591 Orange Drive
Davie, FL 33314

DECLARATION OF RESTRICTIONS AMENDMENT

KNOW ALL MEN BY THESE PRESENTS that the Family Christian Fellowship, Inc., a Florida Non Profit corporation, d/b/a Calvary Chapel Sawgrass whose mailing address is 450 S.W. Ave., Davie, FL 33325, being the owner of that certain real property located in the Town of Davie, Broward County, Florida, and described on Exhibit "A" attached hereto and made a part hereof, voluntarily make the following Declaration of Restrictions covering the above-described property, specifying that this Declaration of Restrictions shall constitute a covenant running with the land and that this declaration shall be binding upon the undersigned and upon all persons deriving or taking title through the undersigned. These restrictions, during their lifetime, shall be for the benefit for the Town of Davie, Florida.

1. Use of the property shall be limited to church and school use.
2. Development on the property shall be limited to a maximum of 44,000 s.f. of floor area in no more that two (2) buildings.
3. The total number of students attending and registered to attend school or instruction on the property shall not exceed 225 at any given time.
4. Vehicular access shall be provided only from Flaming Road.
5. These covenants are to run with the land and shall be binding upon all parties and persons deriving or taking title through the undersigned from the date these covenants are recorded in the Public Records of Broward County, Florida. This Declaration of Restrictions may be amended or removed only by the Town of Davie, Florida, by a written document of equal formality and dignity and with the approval of the undersigned or their successors in title or assigns. Any amendment to this Declaration of Restrictions or termination hereof shall be recorded in the Public Records of Broward County, Florida. Nothing herein shall prevent the declarants or their successors in title or assigns from applying to the Town of Davie, Florida, for modification of this Declaration of Restrictions or termination hereof.
6. Invalidation of any portion of this Declaration of Restrictions or any portion of this document by judgement or court shall in no way affect any other provisions, which shall remain in full force and effect.

7. This Declaration of Restrictions is executed for the purpose of protecting the health, safety and welfare of the citizens of the Town of Davie, Florida.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 15th day of October, 1999.

Signed, sealed and delivered

Family Christian Fellowship, Inc.
d/b/a Calvary Chapel Sawgrass

Margaretta A. Jakamillo
Witness

By: Gary Mauro
Gary Mauro, President/Pastor

PRINT: MARGARETTA A. JAKAMILLO

Oscar E. Touar
Witness

PRINT: OSCAR E. TOUAR

STATE OF FLORIDA :
COUNTY OF BROWARD : SS

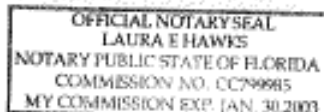
The foregoing instrument was acknowledged before me this 15th day of October 1999, by Gary Mauro, President/Pastor of Family Christian Fellowship, Inc. who is personally known to me or produced _____ as identification and has/have has not/have not taken an oath.

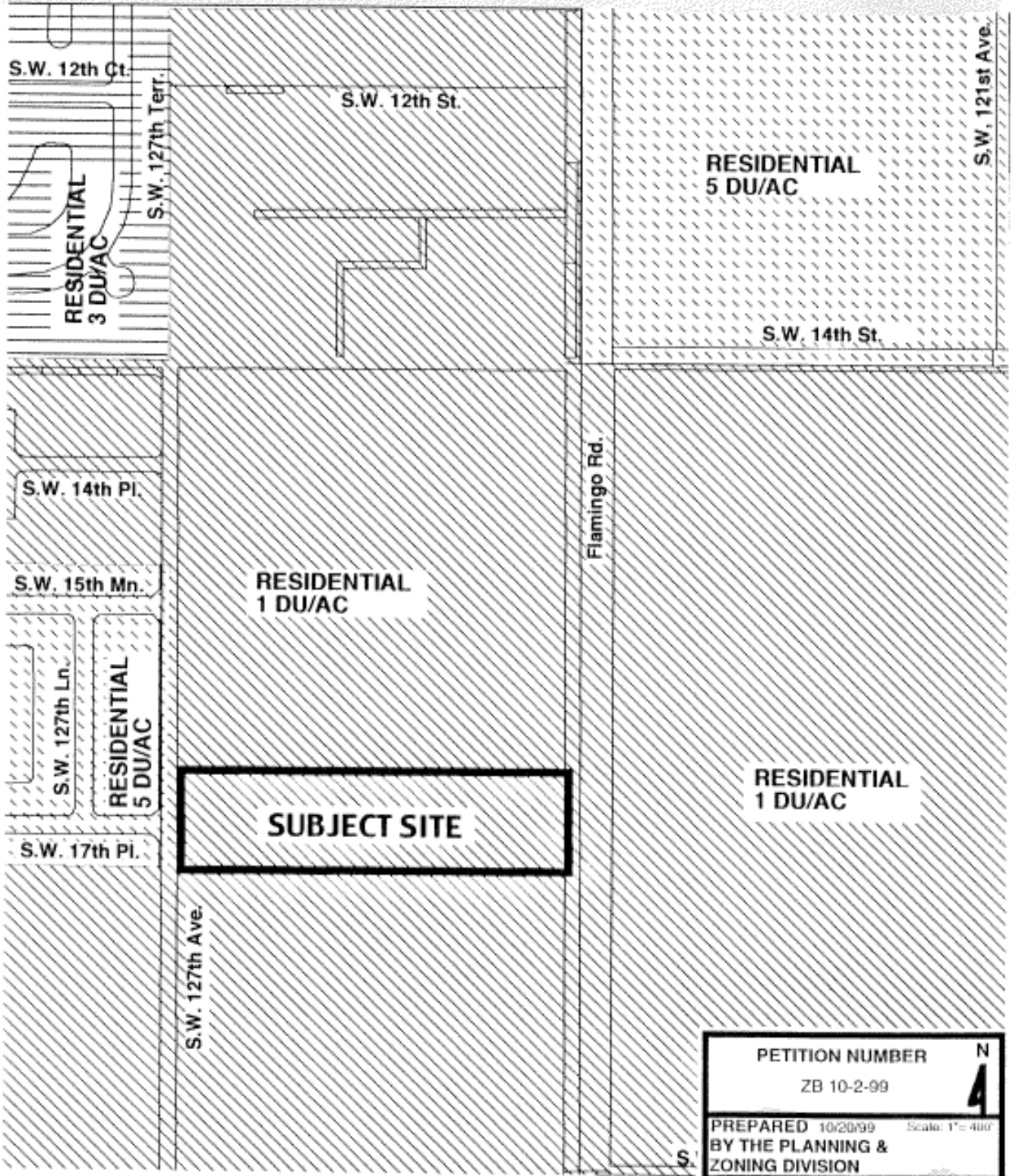
Laura E. Hawks
Notary Public, State of Florida

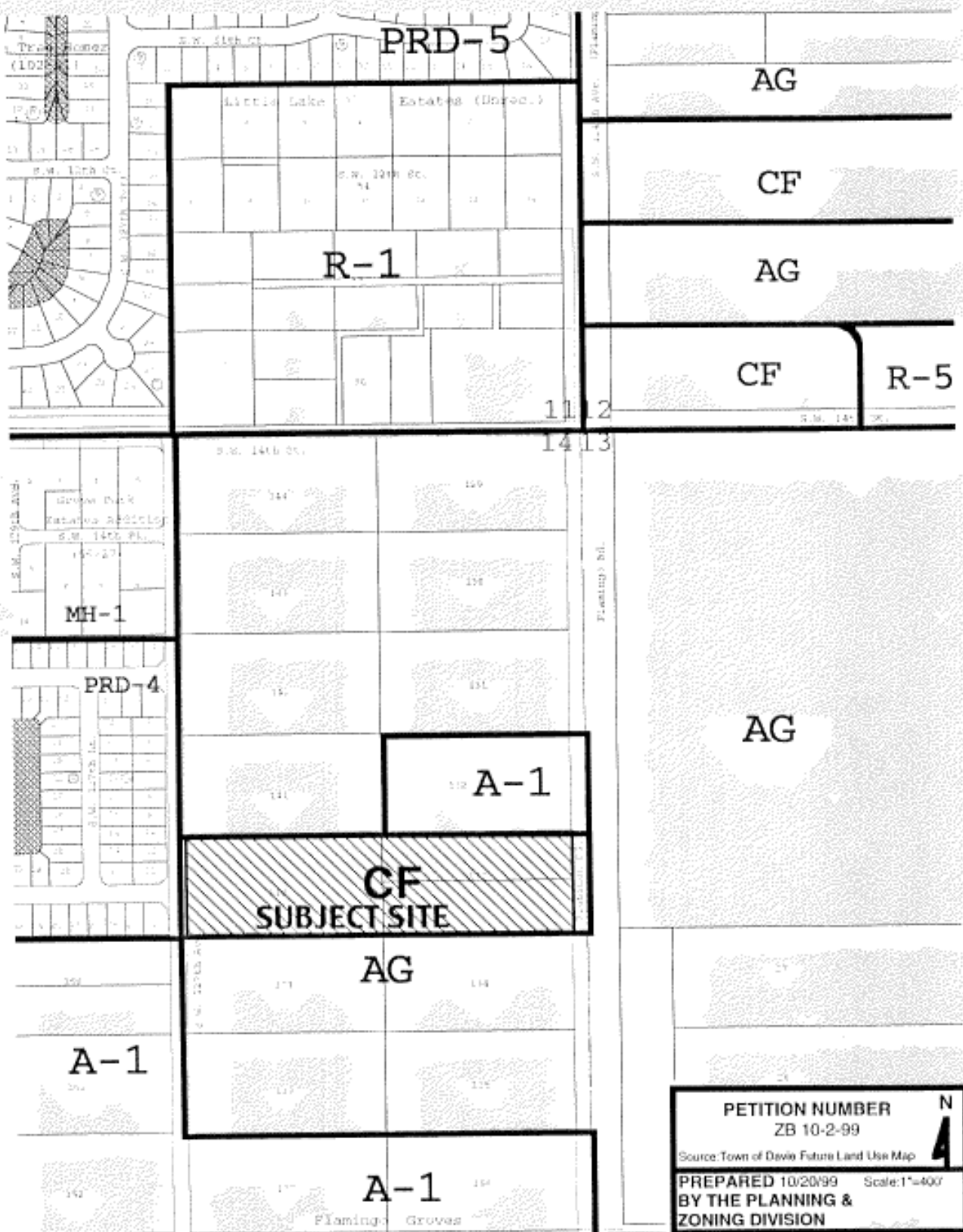
Print Name: Laura E. Hawks

My Commission Expires:

Declaration made







SINGLE FAMILY RESID.

SW 127 AVE

VACANT

FLAMINGO ROAD

SUBJECT SITE

VACANT

AGRICULTURAL

VACANT

N
↑ DATE FLOWN
JANUARY 1998
SCALE: NTS
ZB 10-2-99

